

House Bill 987

By: Representatives Bryant of the 160<sup>th</sup>, Stephens of the 164<sup>th</sup>, Gordon of the 162<sup>nd</sup>, Stephens of the 161<sup>st</sup>, Kaiser of the 59<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

To amend Part 1 of Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to gambling offenses, so as to prohibit cockfighting and related conduct; to provide for punishments; to provide for exceptions; to define a term; to provide for applicability; to amend Title 4 of the Official Code of Georgia Annotated, relating to animals, so as to change certain provisions relating to caring for an impounded animal; to change certain provisions relating to failure to respond, right to hearing, care, and crime exception; to change certain provisions relating to filing a report regarding animal cruelty and immunity; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**PART I**  
**SECTION 1-1.**

Part 1 of Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to gambling offenses, is amended by adding a new Code section to read as follows:

"16-12-39.

(a) As used in this Code section, the term 'gamecock' means a male chicken or rooster.

(b) Any person who:

(1) Owns, possesses, trains, transports, or sells any gamecock with the intent that such gamecock shall be engaged in fighting with another gamecock;

(2) For amusement or gain, causes any gamecock to fight with another gamecock or for amusement or gain, causes any gamecocks to injure each other;

(3) Wagers money or anything of value on the result of such cockfighting;

(4) Knowingly permits any act in violation of paragraph (1) or (2) of this subsection on any premises under the ownership or control of such person or knowingly aids or abets any such act; or

(5) Knowingly promotes or advertises an exhibition of fighting with another gamecock shall be guilty of a felony and, upon the first conviction thereof, shall be punished by imprisonment of not less than one nor more than five years, a fine of not less than \$5,000.00, or both such fine and imprisonment. On a second or subsequent conviction, such person shall be punished by imprisonment of not less than one nor more than ten years, a fine of not less than \$15,000.00, or both such fine and imprisonment. Each act or omission in violation of this subsection shall constitute a separate offense.

(c) Any person who is knowingly present only as a spectator at any place for the fighting of gamecocks shall, upon a first conviction thereof, be guilty of a misdemeanor of a high and aggravated nature. On a second conviction, such person shall be guilty of a felony and shall be punished by imprisonment of not less than one nor more than five years, a fine of not less than \$5,000.00, or both such fine and imprisonment. On a third or subsequent conviction, such person shall be punished by imprisonment of not less than one nor more than ten years, a fine of not less than \$15,000.00, or both such fine and imprisonment. Each act in violation of this subsection shall constitute a separate offense.

(d) Any gamecock subject to fighting may be impounded pursuant to the provisions of Code Sections 4-11-9.2 through 4-11-9.6.

(e) This Code section shall not prohibit, impede, or otherwise interfere with animal husbandry, training techniques, competition, events, shows, or practices not otherwise specifically prohibited by law and shall not apply to the following activities:

(1) Owning, using, breeding, training, or equipping any animal to pursue, take, hunt, or recover wildlife or any animal lawfully hunted under Title 27 or participating in hunting or fishing in accordance with the provisions of Title 27 and rules and regulations promulgated pursuant thereto as such rules and regulations existed on the date specified in Code Section 27-1-39; or

(2) Owning, using, breeding, training, or equipping gamecocks for agricultural purposes in accordance with the rules and regulations of the Commissioner of Agriculture as such rules and regulations existed on January 1, 2010."

## **PART II**

### **SECTION 2-1.**

Title 4 of the Official Code of Georgia Annotated, relating to animals, is amended by revising subsection (c) of Code Section 4-11-9.3, relating to caring for an impounded animal, as follows:

"(c) Any person impounding an animal under this article shall be authorized to return such animal to its owner, upon payment by the owner of all costs of impoundment and care and

upon the entry of a consent order, unless such owner, in a prior administrative or legal action in this state or any other state, was found to have failed to provide humane care to an animal, committed cruelty to animals, or committed an act prohibited under Code Section 16-12-37 or 16-12-39 in violation of the laws of this state or of the United States or any of the several states. Such consent order shall provide conditions relating to the care and treatment of such animal, including, but not limited to, the following, that:

- (1) Such animal shall be given humane care and adequate and necessary veterinary services;
- (2) Such animal shall not be subjected to cruelty; and
- (3) The owner shall comply with this article."

#### SECTION 2-2.

Said title is further amended by revising subparagraph (b)(6)(B) of Code Section 4-11-9.5, relating to failure to respond, right to hearing, care, and crime exception, as follows:

"(B) Unless, in a prior administrative or legal action in this state or any other state, the owner has been found to have failed to provide humane care to an animal, committed cruelty to animals, or committed an act prohibited under Code Section 16-12-37 or 16-12-39 in violation of the laws of this state or of the United States or any of the several states, recommend conditions under which the animal may, upon payment by the owner of all costs of impoundment and care, be returned to the owner. Such conditions shall be reduced to writing and served upon the owner and the government agency having custody of the animal. Such conditions may include, but are not limited to, the following, that:

- (i) Such animal shall be given humane care and adequate and necessary veterinary services;
- (ii) Such animal shall not be subjected to mistreatment; and
- (iii) The owner shall comply with this article."

#### SECTION 2-3.

Said title is further amended by revising subsection (a) of Code Section 4-11-17, relating to filing a report regarding animal cruelty and immunity, as follows:

"(a) Notwithstanding Code Section 24-9-29 or any other provision of law to the contrary, any licensed veterinarian or veterinary technician having reasonable cause to believe that an animal has been subjected to animal cruelty in violation of Code Section 16-12-4 or an act prohibited under Code Section 16-12-37 or 16-12-39 may make or cause to be made a report of such violation to the Commissioner, his or her designee, an animal control

95 officer, a law enforcement agency, or a prosecuting attorney and may appear and testify in  
96 any judicial or administrative proceeding concerning the care of an animal."

97 **PART III**

98 **SECTION 3-1.**

99 This Act shall become effective upon its approval by the Governor or upon its becoming law  
100 without such approval.

101 **SECTION 3-2.**

102 All laws and parts of laws in conflict with this Act are repealed.